

KCC 4814 (K-C 15,978)
PATENT**REMARKS**

Claims 74-81 are canceled and claim 83 is added herein. Claims 44-73, 82 and 83 will be pending following entry of the amendment.

This letter is responsive to the Office action dated October 31, 2005.

Response to Claim RejectionsClaim 44

Claim 44 is directed to an absorbent body for an absorbent article of the type worn by a wearer and having an absorbent body disposed generally centrally of the article and adapted for absorbing liquid body waste released by the wearer. The absorbent body has a longitudinal axis, a lateral axis, and at least one fold line formed therein defining at least two segments of the absorbent body. The at least one fold line extends at least in part laterally of the absorbent body. The segments are generally foldable relative to each other along the at least one fold line to facilitate conformance of the absorbent article to the wearer's body.

Claim 44 is submitted to be unanticipated by and patentable over the references of record, and in particular European Patent Application No. 0 687 453 (Lassen et al.), in that the references fail to show or suggest at least one fold line extending at least in part laterally of the absorbent body.

As shown in Figs. 2 and 9, Lassen et al. disclose a sanitary napkin 10, 100 having a liquid pervious cover 12, a liquid impervious baffle 14, 114, and an absorbent core 18, 118 disposed between the cover and baffle. The absorbent core 18,

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118 has a flexure axis 24, 124 that is coaxial with a longitudinal center line Y-Y of the sanitary napkin 10, 100. The centrally located, longitudinally extending flexure axis 24, 124 allows the sanitary napkin 10, 100 to deform into an inverted "V", "W", or "A" shape when a lateral compressive force is exerted on it. Indeed, in every embodiment of Lassen et al. the flexure axis is coaxial with or parallel to the longitudinal axis of the absorbent core.

Lassen et al. therefore fail to disclose or suggest an absorbent body having at least one fold line extending at least in part laterally of the absorbent body as recited in amended claim 44. In fact, Lassen et al. teaches away from such an arrangement. As indicated in column 6, lines 42-52, the central, longitudinal flexure axis 24 directs fluid flow along the length of the absorbent core 18, which has a greater absorbent capacity, thereby reducing the likelihood of fluid flow in a transverse direction (i.e., in the direction along X-X). Lassen et al. teach that fluid flow in the transverse direction should be minimized to prevent potential leakage of fluid through a side of the article and that positioning the flexure axis 24 in a transverse direction would increase the potential for leakage. Thus, Lassen et al. fail to teach an absorbent body having a fold line that at least in part extends laterally of the absorbent body.

At page 3 of the Office action, the Office recognizes that the flexure axis 24 of Lassen et al. extends longitudinally only. The Office also correctly notes that Lassen et al. teach that the flexure axis 24 can be positioned transversely along the X-X axis (see Fig. 1) and off center from the longitudinal center line Y-Y. Column 6, lines 22-25 as relied on by the

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Office). Respectfully, however, such a disclosure does mean that the flexure axis 24 extends at least in part laterally of the absorbent body 18 as asserted by the Office.

The Office, at page 2 of the Office action, indicates its interpretation of the phrase "fold line extending at least in part laterally of the absorbent body" to include but not be limited to the fold line extending in or along a direction other than parallel to the longitudinal axis so as to have at least a lateral component (i.e., a fold line extending along a lateral axis of the article). It is unclear what the Office's actual position is with respect to its interpretation of this phrase. To the extent, however, that such an interpretation would allow any fold line that extends entirely longitudinally (i.e., parallel to the longitudinal axis of the absorbent body) of the absorbent body to read on the phrase "at least in part laterally," applicants respectfully disagree. If the Office's interpretation of the phrase "fold line extending at least in part laterally of the absorbent body" includes a fold line that extends parallel to the longitudinal axis of the absorbent body, applicants respectfully request that such a position be stated more positively and that the precise basis for such an interpretation (citing to the present application and/or drawings) be provided to applicants.

As shown in Figs. 1, 4, 5, 6, 7 and 10 of the present application, the various exemplary embodiments of the present invention all include fold lines 15 with a lateral component. For example, in Fig. 4 there are both fold lines that extend entirely longitudinally and have no lateral component, and other fold lines that extend entirely laterally of the absorbent body (and therefore extend at least in part

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laterally. In the embodiment of Fig. 4, the fold lines all extend diagonally and therefore each fold line has a longitudinal component and a lateral component and therefore extends at least in part laterally of the absorbent body. In other words, each of the exemplary embodiments includes a fold line that extends parallel to or coaxial with the lateral axis of the absorbent body, or extends other than parallel to the longitudinal axis of the absorbent so as to have a lateral component (e.g. vector). There is no basis, however, for the Office to take the position that, e.g., the longitudinally extending fold lines in the embodiment of Fig. 4 extend in part laterally of the absorbent body.

As best understood, the Office's position as set forth at page 3 of the Office action is that because the flexure axis 24 of Lassen et al. may be offset laterally from the longitudinal centerline that the flexure axis therefore extends at least in part laterally of the absorbent core. The Office is confusing the location of the flexure axis 24 of Lassen et al. with the direction in which the flexure axis extends. Note that claim 44 particularly recites that the at least one fold line "extends" at least in part laterally of the absorbent body. This is regardless of where on the absorbent body the at least one fold line is positioned. Thus, in Lassen et al., even though the location of the flexure axis 24 may be offset laterally from the longitudinal axis Y-Y of the absorbent core, the flexure axis still extends entirely longitudinally and therefore cannot, by any interpretation, extend at least in part laterally of the absorbent core.

For the above reasons, claim 44 is submitted to be unanticipated by and patentable over the references of record.

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Claims 45-73 and new claim 83 depend directly or indirectly from claim 44 and are submitted to be unanticipated by and patentable over Lassen et al. for the same reasons as claim 44.

Claim 82

Applicants note that on the Office Action Summary page included with the Office action claim 82 is indicated as being rejected. However, nowhere does the Office set forth the basis for its rejection of claim 82. Therefore, it is unclear as to whether claim 82 is rejected or allowed, and if rejected it is unclear as to the basis for the rejection.

Claim 82 is directed to an absorbent body for an absorbent article of the type worn by a wearer and having an absorbent body disposed generally centrally of the article and adapted for absorbing liquid body waste released by the wearer. The absorbent body has a plurality of fold lines formed therein and defining more than two segments of said absorbent body, said segments being generally foldable relative to each other along said fold lines to facilitate conformance of the absorbent article to the wearer's body, at least one fold line of said plurality of fold lines extending at least in part laterally of said absorbent body, and at least one other of said plurality of fold lines extending at least in part longitudinally of said absorbent body.

Claim 82 is submitted to be patentable over the references of record, and in particular Lassen et al. for at least the same reasons as set forth above with respect to claim 44. That is the references fail to show or suggest at least one fold line extending at least in part laterally of the absorbent body.

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New claim 83 depends directly from claim 44 and further recites that the at least one fold line formed in the absorbent body has both a laterally extending component and a longitudinally extending component. For example, the embodiments of Figs. 5, 6 and 7 of the present application each have fold lines wherein each fold line extends both laterally and longitudinally (e.g., diagonally as in Figs. 5 and 7 or arcuate or circular as in Fig. 6).

The references of record, and in particular Lassen et al., fail to disclose or otherwise even suggest such a feature. In particular, in every embodiment of Lassen et al. the flexure axis 24 and second flexure axes Y'-Y' extend entirely longitudinally (i.e., parallel to the longitudinal axis Y-Y). Therefore, it cannot be said that the flexure axes 24 and/or Y'-Y' extend both longitudinally and laterally so as to have a longitudinal component and a lateral component as recited in new claim 83.

For these additional reasons, claim 83 is further submitted to be patentable over the references of record.

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CONCLUSION

In view of the above, applicants respectfully request favorable consideration and allowance of claims 44-73, 82 and 83. The Commissioner is hereby authorized to charge any fee deficiency in connection with this Amendment D to Deposit Account Number 19-1345 in the name of Senniger Powers.

Respectfully submitted,



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RLB/tmg

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